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UNITED STATES STATUTES

CONCERNING THE

# REGISTRATION OF PRINTS AND LABELS

WITH THE

RULES OF THE PATENT OFFICE RELATING THERETO

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EDITION OF MAY 15, 1910

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# THE LAW OF PRINTS AND LABELS.

## CONSTITUTION, 1787.

ART. I, SEC. 8.—The Congress shall have power * * * to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

## STATUTES.

### EXCERPTS FROM ACT APPROVED MARCH 4, 1909, ENTITLED AN ACT TO AMEND AND CONSOLIDATE THE ACTS RESPECTING COPYRIGHT.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person entitled thereto, upon complying with the provisions of this Act, shall have the exclusive right:

(*a*) To print, reprint, publish, copy, and vend the copyrighted work;

SEC. 8. That the author or proprietor of any work made the subject of copyright by this Act, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this Act: *Provided, however,* That the copyright secured by this Act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only:

(*a*) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(*b*) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this Act may require.

SEC. 9. That any person entitled thereto by this Act may secure copyright for his work by publication thereof with the notice of copy-

right required by this Act; and such notice shall be affixed to each copy thereof published or offered for sale in the United States by authority of the copyright proprietor, except in the case of books seeking ad interim protection. * * *

SEC. 18. That the notice of copyright required by section nine of this Act shall consist either of the word "Copyright" or the abbreviation "Copr.", accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (*f*) to (*k*), inclusive, of section five of this Act, the notice may consist of the letter C inclosed within a circle, thus: ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: *Provided*, That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case of works in which copyright is subsisting when this Act shall go into effect, the notice of copyright may be either in one of the forms prescribed herein or in one of those pre-prescribed by the Act of June eighteenth, eighteen hundred and seventy-four.

SEC. 23. That the copyright secured by this Act shall endure for twenty-eight years from the date of first publication, whether the copyrighted work bears the author's true name or is published anonymously or under an assumed name: *Provided*, That in the case of any posthumous work or of any periodical, cyclopaedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopaedic or other composite work when such contribution has been separately registered, the author of such work if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors, or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in default of the registration of such application for renewal and extension, the copyright in any work shall determine at the expiration of twenty-eight years from first publication.

SEC. 24. That the copyright subsisting in any work at the time when this Act goes into effect may, at the expiration of the term provided for under existing law, be renewed and extended by the author of such work if still living, or the widow, widower, or children

of the author, if the author be not living, or if such author, widow, widower, or children be not living, then by the author's executors, or in the absence of a will, his next of kin, for a further period such that the entire term shall be equal to that secured by this Act, including the renewal period: *Provided, however,* That if the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor shall be entitled to the privilege of renewal and extension granted under this section: *Provided,* That application for such renewal and extension shall be made to the copyright office and duly registered therein within one year prior to the expiration of the existing term.

SEC. 42. That copyright secured under this or previous Acts of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will.

## ACT APPROVED JUNE 18, 1874, RELATING TO REGISTRATION OF PRINTS AND LABELS.

Sections 3, 4, and 5 of the act of Congress relating to patents, trade-marks, and copyrights, approved June 18, 1874 (18 Stat. L., p. 78), are as follows:

SEC. 3. That in the construction of this act the words "engraving, cut, and print" shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label, not a trade-mark, six dollars, which shall cover the expense of furnishing a copy of the record, under the seal of the Commissioner of Patents, to the party entering the same.

SEC. 4. That all laws and parts of laws inconsistent with the foregoing provisions be, and the same are hereby, repealed.

SEC. 5. That this act shall take effect on and after the first day of August, eighteen hundred and seventy-four.

# RULES GOVERNING THE REGISTRATION OF PRINTS AND LABELS IN THE PATENT OFFICE.

UNITED STATES PATENT OFFICE.
*Washington, D. C., February 19, 1910.*

The following rules, designed to be in strict accordance with the provisions of the copyright law, for the registration of prints and labels, are published for gratuitous distribution.

Applicants for registration and their attorneys are advised that their business will be facilitated by the observance of the forms on pages 13 to 15.

EDWARD B. MOORE,
*Commissioner of Patents.*

## CORRESPONDENCE.

1. All business with the office should be transacted in writing. Unless by the consent of all parties, the action of the office will be based exclusively on the written record. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

2. Applicants and attorneys will be required to conduct their business with the office with decorum and courtesy. Papers presented in violation of this requirement will be returned. But all such papers will first be submitted to the commissioner, and only returned by his direct order.

3. All letters should be addressed to "The Commissioner of Patents;" and all remittances by postal order, certified check, or draft should be to his order.

4. A separate letter should in every case be written in relation to each distinct subject of inquiry or application. Complaints against the examiner, assignments for record, fees, and orders for copies or abstracts must be sent to the office in separate letters.

5. Letters relating to pending applications should refer to the name of the applicant and date of filing. Letters relating to registered prints and labels should refer to the name of registrant and number and date of certificate.

6. The personal attendance of applicants at the Patent Office is unnecessary. Their business can be transacted by correspondence.

7. When an attorney shall have filed his power of attorney, duly executed, the correspondence will be held with him.

8. A double correspondence with an applicant and his attorney, or with two attorneys, can not generally be allowed.

9. The office can not undertake to respond to inquiries propounded with a view to ascertain whether certain prints and labels have been registered, or, if so, to whom, or for what goods; nor can it give advice as to the nature and extent of the protection afforded by the

law, or act as its expounder, except as questions may arise upon applications regularly filed.

10. Express, freight, postage, and all other charges on matter sent to the Patent Office must be prepaid in full; otherwise it will not be received.

## ATTORNEYS.

11. An applicant may prosecute his own case, but he is advised, unless familiar with such matters, to employ a competent attorney. The office can not aid in the selection of any attorney.

12. Before any attorney, original or associate, will be allowed to inspect papers or take action of any kind, his power of attorney must be filed. But general powers given by a principal to an associate can not be considered. In each application the written authorization must be filed. A power of attorney purporting to have been given to a firm or copartnership will not be recognized, either in favor of the firm or any of its members, unless all its members shall be named in such power of attorney.

13. Substitution or association can be made by an attorney upon the written authorization of his principal; but such authorization will not empower the second attorney to appoint a third.

14. Powers of attorney may be revoked at any stage in the proceedings of a case upon application to and approval by the commissioner; and when so revoked the office will communicate directly with the applicant, or such other attorney as he may appoint. An attorney will be promptly notified by the docket clerk of the revocation of his power of attorney.

15. For gross misconduct the commissioner may refuse to recognize any person as an attorney, either generally or in any particular case; but the reasons for such refusal will be duly recorded and be subject to the approval of the Secretary of the Interior.

## WHO MAY REGISTER A PRINT OR LABEL.

16. (*a*) The author or proprietor of any print or label, or his executors, administrators, or assigns, who is a citizen of the United States.

(*b*) An alien author or proprietor of any print or label, or his executors, administrators, or assigns, only as provided by section 8 of the copyright act approved March 4, 1909.

Any person to whom an author, who has the privilege of copyright in the United States, has transferred his copyright can apply for and obtain a copyright entry as a proprietor.

## THE APPLICATION.

17. To entitle the author or proprietor of any such print or label or his executors, administrators, or assigns to register the same in the Patent Office, the application for registration thereof must be made to the Commissioner of Patents, and the said application should be signed by the author or proprietor, or by his executors, administrators, or assigns, or for the author or proprietor by duly authorized agent.

18. A complete application comprises—

(*a*) A statement addressed to the Commissioner of Patents, disclosing applicant's name, nationality, and place of doing business; whether author, proprietor, or executors, administrators, or assigns of the author or proprietor; and, if proprietor, a disclosure of the nationality of the author, the title of the print or label, and the name of the article of manufacture for which the print or label is to be used.

(*b*) Ten copies of the print or label, one of which, when the print or label is registered, shall be certified under the seal of the Patent Office and returned to the author or proprietor.

(*c*) A fee of $6.

(*d*) A statement of the date when the print or label was first published with notice of copyright. (See sec. 9 of act of Mar. 4, 1909.)

19. The title of the print or label must appear on the copies filed.

20. Pending applications are preserved in secrecy, and no information will be given without authority of the applicant respecting the filing of an application for the registration of a print or label by any person, or the subject-matter thereof, unless it shall, in the opinion of the commissioner, be necessary to the proper conduct of business before the office.

## EXAMINATION OF APPLICATIONS.

21. The so-called print and label section of the copyright statute, approved June 18, 1874, is construed to provide for the registration of any print or label without examination as to its novelty.

22. All applications for registration are considered in the first instance by the examiner. Whenever, on examination of an application, registration is refused for any reason whatever, the applicant will be notified thereof. The reasons for such rejection will be stated, and such information will be given as may be useful in aiding the applicant to judge of the propriety of further prosecuting his application.

23. The examination of an application and the action thereon will be directed throughout to the merits, but in each letter the examiner shall state or refer to all his objections.

## AMENDMENTS.

24. The application may be amended to correct informalities or to avoid objections made by the office, or for other reasons arising in the course of examination, and if the copies of the prints or labels furnished are for any reason not registrable under the copyright law, the applicant may substitute copies which conform to the requirements of said law.

25. In every amendment the exact word or words to be stricken out or inserted must be specified, and the precise point indicated where the erasure or insertion is to be made. All such amendments must be on sheets of paper separate from the papers previously filed and written on but one side of the paper.

26. After allowance, the examiner will exercise jurisdiction over an application only by special authority from the commissioner.

Amendments may be made after the allowance of an application on the recommendation of the examiner, approved by the commissioner, without withdrawing the case from issue.

27. After the completion of the application the office will not return the papers for any purpose whatever. If the applicant has not preserved copies of the papers which he wishes to amend, the office will furnish them on the usual terms. (See rule 38.)

## SUBJECT-MATTER OF APPLICATION.

28. The word "print," as used in section 3 of the copyright act, so far as it relates to registration in the Patent Office, is defined as an artistic and intellectual production designed to be used for an article of manufacture and in some fashion pertaining thereto, but not borne by it; such, for instance, as an advertisement thereof.

29. The word "label," as used in this act, so far as it relates to registration in the Patent Office, is defined as an artistic and intellectual production impressed or stamped directly upon the article of manufacture or upon a slip or piece of paper or other material to be attached in any manner to manufactured articles or to bottles, boxes, and packages containing them to indicate the article of manufacture.

30. No print or label can be registered unless it properly belongs to an article of manufacture and is descriptive thereof and is as above defined.

## APPEALS.

31. An adverse decision by the examiner who has charge of the registration of prints and labels, upon an applicant's right to have a print or label registered, will be reviewed by the commissioner in person, on appeal, without fee.

## ISSUE, DATE, AND DURATION OF CERTIFICATE.

32. When the requirements of the law and of the rules have been complied with and the office has adjudged a print or label registrable, a certificate will be issued, signed by the Commissioner of Patents under the seal of the Patent Office. Attached to the certificate will be a copy of the print or label.

33. A certificate of registration shall remain in force for twenty-eight years from the date of first publication.

34. The certificate may be continued for a further term of twenty-eight years upon filing a second application within one year prior to the expiration of the term of the original certificate and complying with all other regulations with regard to original applications.

## ASSIGNMENTS.

35. Prints and labels are assignable in law by an instrument in writing signed by the proprietor. This should state the names of the assignee and assignor, the title of the print or label assigned, the

date of filing the application, or, if registered, the date and number of the certificate, and should be dated.

## COPIES AND PUBLICATIONS.

**36.** After a print or label has been registered, copies thereof may be furnished, when authorized by the commissioner, upon the payment of the fee.

**37.** The Official Gazette of the Patent Office will contain a list of all the prints and labels registered, with the name and address of the registrant in each case, the title of the print or label, and a statement of the particular goods to which it is to be applied, together with the date of filing the application.

## FEES.

| | |
|---|---|
| **38.** On filing an application for registration of a print or label | $6.00 |
| For manuscript copies of records, for every 100 words or fraction thereof | .10 |
| If certified, for the certificate, additional | .25 |
| For recording every assignment, power of attorney, or other paper, of 300 words or under | 1.00 |
| Of over 300 and under 1,000 words | 2.00 |
| For each additional 1,000 words or fraction thereof | 1.00 |
| For abstracts of title: | |
| For the search, one hour or less, and certificate | 1.00 |
| Each additional hour or fraction thereof | .50 |
| For each brief from the digest of assignments, of 200 words or less | .20 |
| Each additional 100 words or fraction thereof | .10 |
| For searching titles or records, one hour or less | .50 |
| Each additional hour or fraction thereof | .50 |
| For single printed copy, when authorized by the commissioner | .05 |
| If certified, for the grant, additional | .50 |
| For the certificate | .25 |

**39.** The fee for registration of a print or label is to be paid to the Commissioner of Patents, or to the Treasurer or any of the assistant treasurers of the United States, or to any of the depositaries, national banks, or receivers of public money designated by the Secretary of the Treasury for that purpose, who shall give the depositor a receipt or certificate of deposit therefor, which shall be transmitted to the Patent Office. When this can not be done without inconvenience, the money may be remitted by mail, and in every such case the letter should state the exact amount inclosed. All money orders and checks should be made payable to the "Commissioner of Patents."

**40.** All money sent by mail, either to or from the Patent Office, will be at the risk of the sender. All payments to the office must be made in specie, Treasury notes, national-bank notes, certified checks, or money orders.

## REPAYMENT OF MONEY.

**41.** Upon refusal of the commissioner to register the print or label, and on application by the applicant, or his duly authorized agent, the fee may be returned.

## NOTICE OF COPYRIGHT.

42. It is necessary, in order to maintain an action for infringement of a copyright, that the claim of copyright be printed on each copy of the article protected. The wording of the notice is determined by the copyright statute, section 18.

EDWARD B. MOORE,
*Commissioner of Patents.*

Approved February 25, 1910.
R. A. BALLINGER,
*Secretary.*

# FORMS.

## FORMS FOR APPLICATION FOR REGISTRATION OF PRINTS.

### (1) FOR AN INDIVIDUAL.

To the COMMISSIONER OF PATENTS:

The undersigned, ....., [a]a....., [b] residing at....., [c] and doing business at....., [d] hereby applies as....., [e] for registration of the print shown in the accompanying copies, 10 of which are furnished.

The print was first published, with Notice of Copyright thereon, on.....; [f] its title is....., [g] and it is used for advertising purposes for..... [h]

(Signature of applicant.) .....,

*Author (or Proprietor).*

### (2) FOR A FIRM.

To the COMMISSIONER OF PATENTS:

The undersigned,.....,[a] a firm, domiciled in....., [c] and doing business at....., [d] hereby applies as proprietor, the nationality of the author from whom title is derived being....., [i] for registration of the print shown in the accompanying copies, 10 of which are furnished.

The print was first published, with Notice of Copyright thereon on.....; [f] its title is....., [g] and it is used for advertising purposes for..... [h]

(Signature of applicant.) .....,

*Proprietor.*

### (3) FOR A CORPORATION.

To the COMMISSIONER OF PATENTS:

The undersigned,.....,[a] a corporation duly organized under the laws of ....., [k] located in....., [c] and doing business at....., [d] hereby applies as proprietor, the nationality of the author from whom title is derived being ....., [i] for registration of the print shown in the accompanying copies, 10 of which are furnished.

The print was first published, with Notice of Copyright thereon, on.....; [f] its title is....., [g] and it is used for advertising purposes for..... [h]

(Applicant's name.) .....,

By .....,

*President (or Other Officer).*

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[a] Insert name of applicant.
[b] Insert statement of applicant's citizenship, or of what ruler he is a subject.
[c] Insert applicant's residence, domicile, or location.
[d] Insert applicant's place of doing business.
[e] State whether as author or proprietor; and if as proprietor, state also the nationality of the author from whom title is derived.
[f] Insert date of publication.
[g] Insert title of print, which must appear on the copies furnished.
[h] State goods which print is used to advertise.
[i] State nationality of author.
[k] State under the laws of what State or nation organized.

### (4) FOR EXECUTORS OR ADMINISTRATORS.

To the COMMISSIONER OF PATENTS:

The undersigned,.....,[a] residing at.....,[b] .....[c] of the estate of.....,[d] deceased, late a.....,[e] and a resident of.....,[f] hereby apply as proprietors for the registration of the print shown in the accompanying copies, 10 of which are furnished, and of which said.....,[d] deceased, was the.....[g]

The print was first published, with the Notice of Copyright thereon, on .....;[h] its title is.....,[i] and it is used for advertising purposes for.....[j]

.....,

.....,

*Executors (or Administrators) of the Estate of*.....,[d] *Deceased.*

## FORMS FOR APPLICATION FOR REGISTRATION OF LABELS.

### (1) FOR AN INDIVIDUAL.

To the COMMISSIONER OF PATENTS:

The undersigned,.....,[k] a.....,[l] residing at.....,[m] and doing business at.....,[n] hereby applies as.....,[o] for registration of the label shown in the accompanying copies, ten of which are furnished.

The label was first published with Notice of Copyright thereon, on.....;[h] its title is.....,[p] and it is used on.....[q]

(Signature of applicant.) .....,

*Author (or proprietor).*

### (2) FOR A FIRM.

To the COMMISSIONER OF PATENTS:

The undersigned,.....,[k] a firm domiciled in.....,[m] and doing business at.....,[n] hereby applies as proprietor, the nationality of the author from whom title is derived being.....,[r] for registration of the label shown in the accompanying copies, ten of which are furnished.

The label was first published with Notice of Copyright thereon, on.....;[h] its title is .....,[p] and it is used on.....[q]

(Signature of applicant.) .....,

*Proprietor.*

### (3) FOR A CORPORATION.

To the COMMISSIONER OF PATENTS:

The undersigned,.....,[k] a corporation duly organized under the laws of .....,[s] located in.....,[m] and doing business at.....,[n] hereby applies as proprietor, the nationality of the author from whom title is derived being .....,[r] for registration of the label shown in the accompanying copies, ten of which are furnished.

The label was first published with Notice of Copyright thereon, on.....;[h] its title is.....,[p] and it is used on.....[q]

(Applicant's name.) .....,

By .....,

*President (or other officer.)*

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[a] Give name of executors or administrators.
[b] Give residence of executors or administrators.
[c] State whether executors or administrators.
[d] Insert name of deceased author or proprietor.
[e] Insert statement of deceased author's or proprietor's citizenship, or of what ruler he was a subject.
[f] Insert late residence of deceased author or proprietor.
[g] State whether deceased was author or proprietor; and, if proprietor, state also the nationality of the author from whom title was derived.
[h] Insert date of publication.
[i] Insert title of print, which must appear on the copies furnished.
[j] State goods which print is used to advertise.
[k] Insert name of applicant.
[l] Insert statement of applicant's citizenship, or of what ruler he is a subject.
[m] Insert applicant's residence, domicile, or location.
[n] Insert applicant's place of doing business.
[o] State whether as author or proprietor, and, if as proprietor, state also the nationality of the author from whom title is derived.
[p] Insert title of label, which must appear on the copies furnished.
[q] State goods on which the label is used.
[r] State nationality of author.
[s] State under the laws of what State or nation organized.

## (4) FOR EXECUTORS OR ADMINISTRATORS.

To the COMMISSIONER OF PATENTS:

The undersigned,.....,[a] residing at.....,[b] .....[c] of the estate of.....,[d] deceased, late of.....,[e] and a resident of.....,[f] hereby apply as proprietors for the registration of the label shown in the accompanying copies, ten of which are furnished, and of which said.....,[d] deceased, was the.....[g]

The label was first published, with the Notice of Copyright thereon, on.....;[h] its title is.....,[i] and it is used on.....[j]

.....,

.....,

*Executors (or administrators) of the estate*

*of..... .....deceased.*

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[a] Give names of executors or administrators.
[b] Give residence of executors or administrators.
[c] State whether executors or administrators.
[d] Insert name of deceased author or proprietor.
[e] Insert statement of deceased author's or proprietor's citizenship, or of what ruler he was a subject.
[f] Insert late residence of deceased author or proprietor.
[g] State whether deceased was author or proprietor, and if proprietor, state also the nationality of the author from whom title was derived.
[h] Insert date of publication.
[i] Insert title of label, which must appear on the copies furnished.
[j] State goods on which the label is used.

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